

## Self-regulation and the new challenges in journalism: Comparative study across European countries

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**Abstract:** The objective of this article is to compare the self-regulatory systems of the journalistic profession in Austria, Germany, Denmark, Estonia, Spain, France and Poland. Based on the analysis of the different cases and situations in these seven countries, we offer a comparative analysis of the existence of: ethical codes, pro-consumers associations, print and audiovisual press councils, level of organization and unionism among journalists. The results reveal deficiencies in the European systems as well as progressions in the implementation of self-regulation tools in the journalistic profession, mainly in the field of print and audiovisual media. In most European countries under study, online newspapers lack self-regulatory tools, except for the regulation coming from their parent print or broadcast media companies.

**Keywords:** Self-regulation; ombudsmen; deontological codes; professional statutes; journalistic ethics.

**Summary:** 1. Theoretical framework: self-regulation in journalism. 2. Methodology. 3. Results. 3.1. Ethical codes. 3.2. Ombudsmen. 3.3. Print and audiovisual press councils. 3.4. Trade unions and associations of journalists, publishers and audiences. 4. Conclusions. 5. Bibliographic references.

Translation by **Cruz Alberto Martínez-Arcos**, M.A. (University of London)

## 1. Theoretical framework: self-regulation in journalism

The initial hypothesis of this research is that self-regulation in journalism does not always advance at the pace actually demanded by the profession in the 21<sup>st</sup> century. The effective implementation of self-regulatory systems is considered an indicator of informative excellence in contemporary societies (Maciá and Herrera, 2010). We stress the need for effectiveness because it is not enough for media and communication-related institutions to establish self-regulatory mechanisms, if in practice they do not update and follow those mechanisms, as different studies have shown (Weischenberg et al., 2006; Alsius, 2010; Fernández and López de Ayala, 2011).

According to Aznar (1999a: 19), self-regulation aims "to enforce or contribute to the enforcement of the ethical codes of a particular activity; those who update and implement the codes are the same agents carrying out such activity". In this approach there is a certain underlying ambiguity between the objective of ensuring that the medium will meet its public responsibility and the objective of protecting its image, and therefore its corporate interests. The self-regulatory activity lies between the law and the professional practice to "cover the distance between the government's regulatory frameworks and the ideal and flexible ethical code in a sphere of the social activity, by prompting each one to assume its share of responsibility" (Aznar, 1999a: 57).

The mechanisms of journalistic self-regulation translate into modes of exercising the social responsibility of the media to ensure that neither journalists or employers will violate society's right to information, taking into account that the main social justification for their existence, from which a number of privileges are derived, consists in controlling the public and de facto powers for the benefit of society (Campbell, 1999). According to Karmasin (2002: 128-130), the concept of informative self-regulation refers to a system of conduct that must be followed by natural and legal persons in relation to the communication phenomenon. This system is based on the adoption of a set of rules aimed to strengthen the informational freedoms with social responsibility, as well as on the creation of an organization responsible for implementing these standards.

The definition of a model of journalistic self-regulation is derived from the requirements involved in the protection of goods with social impact that a particular profession protects, which in the case of journalism is the universal right to information (Aldridge and Evetts, 2003). However, this model does not always work reliably. In the words of Bonnet (1999: 43), the mechanisms of self-regulation "in many cases are designed more to safeguard the interests

of the media than to consider the criticism from users or promote substantial changes in the behaviour of journalists”.

The academia distinguishes four levels in the analysis of journalistic ethics in the process of self-regulation (Karmasin, 2002; Funiok, 1996). The first level corresponds to the individual ethics which, according to Funiok (1996: 98), result from the exercise of the journalistic virtues and self-criticism, and involves efforts to increase the quality and professionalism. This journalistic responsibility arises from primary and secondary socialization processes, personal experience and motivation, and values linked to professional ethics. For example, for decades, the most senior journalists taught to new generations the principles of individual journalistic ethics, such as truthfulness, fairness and impartiality (Stapf, 2006; Navarro 1998).

The second level, the institutional ethics, includes formal and informal standards for the journalistic organization, which are included in the professional codes (Coca, 1997). This second level is also influenced by the institutional traditions, labour hierarchies and above all the demands of the market and the public. However, journalists are caught between political constraints (administrative concessions, grants, aid) and economic pressure (advertising investment, advertisers’ pressure), which complicates complying with the codes of conduct.

The third level corresponds to the associations of journalists. Stapf (2006: 194) notes that the objective of these associations is to achieve the self-regulation of the media, as well as “a necessary self-criticism”. The associations of journalists and press councils often include self-regulatory instruments that institutionalise and develop standards that allow to measuring the development and compliance with journalistic ethics.

The fourth level has to do with the ethics of the public, which is unusual in most European countries, as Gottwald (2006: 81) has pointed out. Few media and institutions work in this aspect, and the activity of the audience is often not included in journalists’ ethical codes.

The starting point of this research is the ups and downs of journalists’ debate on self-regulation and deregulation over the past years, which is linked to the organization of the journalistic profession itself. Journalism needs to be transformed by taking into account approaches that champion credibility and quality. The economic profitability should not be at odds with social profitability, since the journalistic practices in line with the ethical codes are profitable (Singer, 2006: 13). As González (2009:151) argues, “business models change and with them the organization of companies and the profile of journalists”.

This research aims to advance in the comparative study of the different formulas and models that can help achieving a self-regulatory, ethical and profitable journalism (González et al., 2010). In the words of Parés and Maicas (2006: 84), “the fact that a profession wants to regulate

itself means, positively, that it is a living and very dynamic body”, because “self-regulation has nothing to do with self-censorship”. One of the objectives of this paper is to analyse whether this dynamism exists in the journalistic sectors of seven countries of the European Union: Austria, Germany, Denmark, Estonia, Spain, France and Poland.

## 2. Methodology

This article is the result of the work of the European Group of Integrated Actions, formed by Spanish and Austrian researchers. The purpose of this research is to study the implementation of self-regulatory mechanisms for journalism in seven EU countries. The sampling of countries was based on criteria of representativeness and diversity of the communication sectors and the national media industries, in the in the European Union. Therefore, we selected two countries from Central Europe (Austria and Germany), two from Southern Europe (France and Spain), two from Eastern Europe (Poland and Estonia), and one from Northern Europe (Denmark).

The methodology is based on a theoretical framework that resulted from the review of Spanish, Austrian and German scientific literature on the concept of self-regulation in journalism, its tools and practical applications. In this regard, we followed the criteria of Bardoel and dHaenens (2004), who offered a methodological proposal for the analysis of systems of ethical self-regulation in the media operating in the European Union.

A purpose-created questionnaire with 15 semi-structured questions was applied to journalists from the countries under study to collect information about the self-regulation tools of the media in the different countries. This questionnaire was designed by following the parameters set by Terzis (2008) in a coordinated research on the governance systems of European media. To apply the questionnaires, the authors of this article were assisted by four researchers from academic institutions from Poland, Denmark, Estonia and France. In order to avoid inconsistencies and detect errors, the questionnaires were previously tested with two researchers. During a month, each researcher conducted field work, which included the review of newspapers and the analysis of documents that allowed them to collect and categorize the various tools of self-regulation existing in the country under study, based on four broad categories: a) codes of ethics; b) ombudsmen; c) print and audiovisual press councils, and d) associations and unions of journalists.

The data obtained were systematically analysed to develop comparative categories in each of the four areas of study. The results reflect the situation on the development of self-regulatory mechanisms in each country and allow for a comparison at the European level.

### 3. Results

This section analyses the main self-regulatory mechanisms existing in the countries under study.

**Table 1: Implementation of self-regulation mechanisms in Europe**

	Germany	Austria	Denmark	Spain	Estonia	France	Poland
Codes in Print press	Low	Non-existent	Implemented	Implemented	Low	Implemented	Implemented
Codes in Audiovisual Press	Non-existent	Non-existent	Implemented	Implemented	Non-existent	Implemented	Low
Codes in Online Press	Non-existent	Non-existent	Non-existent	Non-existent	Non-existent	Low	Non-existent
Print press Ombudsman	Low	Low	Low	Implemented	Non-existent	Implemented	Non-existent
Audiovisual Press Ombudsman	Non-existent	Non-existent	Implemented	Implemented	Low	Implemented	Low
Online Press Ombudsman	Non-existent	Non-existent	Non-existent	Non-existent	Non-existent	Non-existent	Non-existent
Print Press Councils	Implemented	Implemented	Implemented	Non-existent	Implemented	Low	Implemented
Audiovisual Press councils	Implemented	Implemented	Implemented	Low	Low	Implemented	Implemented
Online Press Councils	Non-existent	Non-existent	Non-existent	Non-existent	Non-existent	Non-existent	Non-existent
Trade Unions of Journalists	Implemented	Low	Implemented	Implemented	Implemented	Implemented	Implemented
Associations of Journalists	Implemented	Implemented	Implemented	Implemented	Implemented	Implemented	Implemented
Associations of publishers	Implemented	Implemented	Implemented	Implemented	Implemented	Implemented	Implemented
Associations of users	Implemented	Non-existent	Low	Low	Non-existent	Low	Low

Source: Own creation with data from assistant researchers.

#### 3.1. Ethical codes

Hugo Aznar (1997: 139) defines ethical codes as the “documents that reflect a more or less comprehensive set of criteria, rules and values created and accepted by those carrying out a professional activity. Codes of ethics are concerned with the most substantial and fundamental aspects of a professional practice, those aspects that involve its specific ethical dimension”. A code of ethics works more as a behaviour guide than as a coercion mechanism. However, in occasions there are binding rules whose violation will result in some kind of punishment included in the code. Nevertheless, the codes that include sanctions are not governed by the ethical standards of that organization and resemble legal norms (Karmasin, 2005). As Aznar (1997: 142) notes, the codes “do not solve nor can solve by themselves all the ethical and

deontological problems in the world of communication” and they have often become “worthless scrap of paper”.

Table 2 reveals the marked contrasts between a group of countries with a high degree of implementation of deontological codes (Denmark, Spain, France and Poland) and another group which lacks this type of legislation almost completely (Germany, Austria and Estonia).

**Table 2: Implementation of codes of journalistic ethics in Europe**

	Germany	Austria	Denmark	Spain	Estonia	France	Poland
<b>Codes in Print Press</b>	Axel Springer WAZ Main-Post		Fyens Stiftstidende Politiken Jyllands- Posten	Colegio Periodistas Cataluña FAPE <i>Abc</i> <i>El Mundo</i> <i>Periódico de Catalunya</i> <i>El País</i>	Code of ethics of the Press Council	<i>Le Monde</i> <i>Ouest-France</i> <i>L'Express</i> <i>Le Nouvel Observateur</i> <i>Le Point</i> <i>L'Equipe</i> <i>La Tribune</i>	<i>Wyborcza Gazette</i> Ethical charter of the media Code of ethics of the Association of Polish journalists Journalistic code of responsibilities
<b>Codes in Broadcast Press</b>			DR TV2/Danmark	RTVE RTVA Telemadrid CNN + (*)		France 2 France 3 France 24 Radio France Internationale	DVT Polskie Radio
<b>Codes in Online Press</b>						Mediapart Rue89	

(\*) The channel ceased broadcasting in December 2010.

Source: Own elaboration with data from assistant researchers.

### Germany

Ethical codes are traditionally rare in Germany’s journalistic tradition, although some media have published their own codes: Axel Springer in 2003 and the WAZ group in 2007 (Eberwein, 2011: 54). The Bertelsmann Group has its own code for the entire company, based on general principles.

Until recently, the concept of self-regulation has barely been present in the German television environment. However, in recent years, a lively debate on the models of self-regulation was opened (Weischenberg et al., 2006), especially with regards to the protection of minors. Thus, in 2007, the private television channels created the FSF, a voluntary institution of self-

regulation that established a very broad ethical code, based on twelve principles. But no network has an explicit code of ethics.

## **Austria**

According to Kaltenbrunner et al. (2010: 67), there are 7,100 active journalists in Austria. More than half are working in the print press, a little more than one-quarter are working in radio or television, 4% in online media, and 3% in news agencies.

The codes of conduct of the Austrian media are rather superficial. The publication of editorial lines in newspapers offers very generic statements about democracy and pluralism, with too obvious ideological connotations. Few newspapers and magazines have editorial statutes defining the relationship between the owner and journalists, and the participation of both parties in the appointment of chief editors. The research of Karmasin (2005: 56) reveals that most of the Austrian journalists do not know the content of these statutes.

It should be noted that none of the 17 Austrian newspapers has a book of style and there are no mechanisms of self-regulation for radio and television.

## **Denmark**

Codes of ethics are a fairly widespread tool in the journalistic culture of this country. In 1998, the Danish Press Council published a code of ethics that guides the decisions of journalists. Three of the main national newspapers have published their own code of ethics: *Fyens Stiftstidende*, *Politiken* and *Jyllands-Posten*.

The Danish broadcasting structure is dominated by the DR, TV 2 Danmark A / S channels and the regional stations of TV2. It should be noted that the public broadcasters DR and TV2/Danmark adopted ethical codes in 2001 to let the audience know the basic principles involved in the information process, so that they can better understand the journalistic activity. Most of the scarce online national media work with the codes of their parent companies. For example, [www.dr.dk](http://www.dr.dk) and [www.tv2.dk](http://www.tv2.dk) use the codes of their television stations.

## **Spain**

The Spanish media have not been great supporters of the adoption of codes that limit their freedom and independence to the benefit of the government, and for this reason they have chosen to promote the concept of self-regulation and the creation of codes of ethics. The creation of the first collective code of ethics, the *Código Deontológico de Periodistas de Cataluña* (Deontological Code of Journalists of Catalonia), which was approved in November

1992, contributed to the emergence of other codes of conduct (Coca, 1997: 112). From that moment on, there was a growing adoption of codes among different groups, such as the Federation of Associations of Journalists of Spain (*FAPE*) in 1993, and the Union of Journalists of Madrid, in 2000. The newspapers that have their own ethical rules include *Abc*, *El País*, *El Mundo* and *El Periódico de Catalunya*.

The most recent codes of ethics feature two notable developments. First, they deal with more specific aspects of information, such as terrorism, domestic violence, immigration, etc. And, second, their creation involved the participation of groups and entities of the civil society which are not directly related to the media. Among the values that are often defended are the respect to the truth and the commitment to find it (compare sources, investigate the events, differentiate between information and opinion, etc.).

In the audiovisual media field, four TV networks have a code of ethics. *Canal Sur* was the first to publish a series of ethical standards in its style manual in 1991. The first part of the manual described the style of the news that, at that time, began airing on the radio and television networks of Andalusia. Its 5<sup>th</sup> paragraph is of particular interest because it contains rules on the treatment of information sources, impartiality, obscene language, and the use of recreations.

For its part, Telemadrid published the principles of journalistic ethics in 1993. They cover such issues as the accuracy in the information, the right of reply, intrusion into the privacy of persons, the identification of victims of crime and information about minors.

In December 2010, RTVE published its style manual, which details a series of recommendations designed to guide the work of journalists towards journalistic rigour, not only in relation to news but also in relation to all genres and formats existing in RTVE's programming. It aims to turn the legal and ethical mandates imposed on journalists by laws and the media into practical guides. However, the manual adopts normative principles, rather than practical guidance and examples casuistry that could be of assistance in contentious cases.

CNN+, the news channel that operated between January 1999 and December 2010, had a code of twenty ethical principles. These standards regulated the independence in press coverage, conflicts of interest, the clear prohibition of paying for information, and the principles of fairness and veracity. This code was a condition stipulated by the American CNN channel to approve the joint participation in this channel.

## **Estonia**

The communication sector in Estonia, like the rest of the Baltic countries, has undergone an extensive transformation since the demise of the Communist system in the early 1990s (Lauk, 2008). New print and broadcast media have emerged, mainly thanks to the entry of



Scandinavian capital, which has reduced the State's legal and regulatory framework, while journalism now faces the challenges of a greater (self) regulation. The appearance of a commercial media structure and the increase in education and association among journalists favour the integration in an autonomous system of professional practice.

The only media company that remains controlled by the state is Kultuurileht, which publishes thirteen cultural and educational publications. None of the seven national newspapers, such as *Eesti Ekspress* and *Poostimes*, nor most successful general information magazine, have ethical codes.

The Press Council laid down the foundations for a Journalistic Code of Ethics which was adopted in 1997. It addresses such issues as journalists' independence, relations with sources, editorial guidelines, the right of reply, and conflicts of interest.

None of the broadcast or online media have adopted ethical codes.

## France

France is one of the countries where the ethical codes have a greater implantation, although its use goes remarkably unnoticed in the everyday professional practice. The newspapers with ethical codes include *Le Monde*, *Ouest-France*, *L'Express*, *Le Nouvel Observateur*, *Le Point*, *L'Equipe* and *La Tribune*.

Various broadcast media have codes of ethics, like the public broadcasters *France 2*, *France 3*, *France 24* and *Radio France Internationale*.

For its part, two online newspapers have introduced codes recently: *Mediapart*, in 2008, and *Rue89*, in 2009.

## Poland

The media sector in Poland is still subject to a high degree of politicization, due to the influence of political parties. The press has taken some steps towards the creation of (self) regulatory mechanisms. The National Union of Press promulgated a code of conduct and a code of ethics applicable to print and broadcast media.

The public broadcaster Telewizja Polska (TVP) continues to have the dominant position, with its two channels, against the commercial channels Polsat and TVN.

Some prestigious media have introduced their own ethical codes, while other smaller media also have some system of ethical principles. In addition, associations and unions of journalists have developed their own self-regulatory codes and even a system of internal arbitration. In 1999 the National Association of Journalists published a brief Deontological Document for the

Media, based on seven principles, which was ratified by all the national associations of journalists and the mainstream media.

The only national newspaper which has its own code of ethics is *Gazeta wyborcza*, while two broadcast media have established ethical codes: *TVP* and *Polskie Radio*. Although none of them have their own code, all online newspapers are subject to the National Association of Journalists.

### 3.2. Ombudsmen

The ombudsman is a mechanism of self-regulation that acts as a mediator between publishers and public. According to Maciá (2006: 49), their effectiveness depends on their ability to address the injustices made by the newsrooms. It also serves as a means of communication with the public. Through the available space, the ombudsman can explain the steps and criteria considered to develop a news item. Thus, the public gets not only more accurate knowledge of the medium, but also of the journalistic field in general.

As Tirosh (2003) points out, the ombudsman performs a double work towards the exterior and the interior of the medium. In the first field, the ombudsman is responsible for receiving complaints and comments, empowering the audience in the critical consumption of media, and performing public relations. In its internal work, the ombudsman monitors the activity of journalists and tries to increase the ethical value of the content. Tirosh (2003) argues that the ombudsman often increases the quality of the product and exercises an educative work with journalists.

According to Maciá (2006: 213), the difficulties to establish the ombudsman in the media are related to the foreign origin of the institution, the low participation of the public, conflicting relationships with publishers, accumulation of work, the instrumentalization of the institution, the cost for the media companies, and the limitation of their executive powers. However, the ombudsman is useful to get to know the interests and sensitivities of the public.

As table 3 shows, the number of ombudsmen in European media is still comparatively low in relation to the amount of existing media and the existence of this figure in other business areas, such as hospitals, banks and universities (Herrera, 2008: 127).

#### Germany

The Ombudsperson figure disappeared from the German media landscape in the early 1990s, although some media have attempted to revive it recently. An example is the regional newspaper *Main-Post*, which debuted with an Ombudsman in 2004. For its part, the *Axel*

**Table 3: Implementation of the Ombudsman in Europe**

	<b>Germany</b>	<b>Austria</b>	<b>Denmark</b>	<b>Spain</b>	<b>Estonia</b>	<b>France</b>	<b>Poland</b>
<b>Ombudsman in Print Press</b>	Axel Springer WAZ Bertelsmann	Der Standard	Politiken	El País La Vanguardia El Correo Gallego La Voz de Galicia		Le Monde Le Nouvel Observateur La Depeche du Midi Midi Libre Sud-Ouest L'Express La Nouvelle République du Centre-Ouest	
<b>Ombudsman in Audiovisual Press</b>			DR TV2	RTVE RTVA TV3	ETV	France Télévisions Radio France International Radio France Outremer	TVP (*)
<b>Ombudsman in Online Press</b>							

(\*) It began test operations in April 2010.

Source: Own creation with data from assistant researchers.

Springer Group and the WAZ newspaper were the first to establish a Readers Advisory Council, which is responsible for making suggestions to the editorial room about possible themes to cover and other initiatives (Eberwein, 2011: 54).

### **Austria**

*Der Standard* is the only Austrian daily with the figure of the Ombudsman. Since 2007, a veteran editor is in charge of this position, whose tasks include maintaining communication with readers and acting as mediator in conflicts. The chief editor and the Ombudsman have agreed that their work “is a new way to manage quality” (Föderl, Schmid and Ranftl, 2007: 187). It is true that there were models for this figure, but Austria did not have any previous experiences. The Ombudsman receives complaints and communicates them to the editorial room, contacts readers and publishes weekly columns. The Ombudsman himself explains that he receives around fifty daily emails with complaints, suggestions or corrections: “most correspond to what used to be readers’ letters about current issues, but some contributions are

deep analysis of the ethical issues in journalism and the position of Der Standard as a quality newspaper” (Ranftl, 2010).

The direction of this newspaper appoints the Ombudsman for an indefinite time, without consulting journalists. This position does not have any employment privileges compared to the rest of the staff. The newspaper still has not made public any standards for the exercise of this function.

Other newspapers have committed themselves to regularly review their own mistakes, but this practice is very low in the Austrian press.

## Denmark

*Politiken* is the only newspaper with an Ombudsman, known as *læsernes editor* (readers’ editor). The figure was introduced in 2005 and those responsible for the newspapers are satisfied with the experience.

For their part, the channels DR and TV2/Denmark established the figure of the Ombudsman in 2002 and 2003, respectively.

On the other hand, none of the online media has implemented the Ombudsman. Only the web sites of DR and TV2/Denmark maintain the oversight of the Ombudsman of their corresponding television networks.

## Spain

This Ombudsman has been established in four newspapers (*El País*, since 1985; *La Vanguardia*, since 1993, *La Voz de Galicia*, since 2001; and *El Correo Gallego*, since 2005) and three television channels (RTVA, TV3 and RTVE).

The pioneering case of *El País* marked a level of quality exportable to other countries (Kaltenbrunner, 2006: 186). The position was established in November 1985, with the mission of “guaranteeing the rights of readers, responding to their complaints, questions or suggestions about the contents of the newspaper, and monitoring that the information treatment complied with the ethical and professional standards of journalism” (El País, 2002: 667). The Statute of the Ombudsman is included as an appendix in the newspaper’s style manual, and both texts are the frames of reference that define the responsibilities of the Ombudsman. The position is appointed by the director and highly prestigious, trustworthy and skilled journalists.

The Andalusian public service broadcasting (RTVA) implemented the Ombudsperson in 1995 with a strong character of mediator with the audience and with the aim of educating the public

about the rules of programming, advertising and the rights of citizens in the audiovisual media field (Sánchez-Apellániz, 1996: 68).

On February 2, 2006, RTVE created the Ombudsman Office. The Ombudsman has developed guidelines for the improvement of quality of content; the respect for the dignity of persons; the right to privacy, honour and reputation; the protection of children; and the promotion of equality and tolerance. It has its own statute (RTVE, 2007) and a specific section on the web. The current Ombudswoman attends the comments of users, collects relevant explanations and issues assessments through the web site and her programme, *RTVE responde* (RTVE responds), in addition to responding personally to whoever has contacted her. According to data from the Ombudsman Office, it attends an average of 2,500 consultations every quarterly.

For its part, TV3's Ombudsman attends all kinds of consultations from viewers, especially those related to the accuracy, veracity, rigour and diversity in programming, as well as the protection of minors and the right to privacy, honour and reputation.

In newspapers, the time for which a person can perform the position of the Ombudsman varies considerably, although the predominant idea is that this activity should not be performed by the same person for too long. In *El País* the same person can occupy the Ombudsman's position for one year, extendable to two; In *La Vanguardia* the time is two years, extendable two more, while in RTVA the same person can occupy the Ombudsman's position during the whole legislature of the Board of Directors that appointed him. The competences of the Ombudsmen in *El País* and *La Vanguardia* are contained in their respective statutes (Aznar, 1999b).

In addition to ensuring journalists' confidentiality, right to professional secrecy, and other individual and collective rights, the operation rules of *El País* and *La Vanguardia* strive to avoid that Ombudsmen overstep their mark, and consider the intervention of the direction to resolve potential conflicts.

## **Estonia**

In 2006 the Public Radio and Television in Estonia (ETV) implemented the figure of the Ombudsman to deal with complaints from the audience. According to ETV's statutes, the functions of the Ombudsman seek to increase the transparency of the company with the public and to monitor the compliance with the ethical principles of journalism.

None of the print or online media has implemented this figure, because this function does not exist in the journalistic tradition and culture of the country.

## France

The French case shows how the figure of the Ombudsman is not limited to print media, since the public-service TV channels and radio stations, like *Radio France Internationale* and *RFO*, introduced the figure of the Ombudsman. Since 1998, the three French public TV channels, France 2, France 3 and France 5, implemented a mediator who works as a link between the viewers and the channel. The statute of the Ombudsman was published on June 6, 2002. The position is occupied by a journalist who receives questions, suggestions and criticism about any aspect of the programming. The interaction between journalists and the mediator also contributes directly to the programmes. In France 2's programme "L'hebdo du médiateur", which has aired for several years, the mediator meets with journalists and spectators every week to address criticism.

The newspaper *Le Monde* was the first to create the office of the Ombudsman in 1994, and other print media followed: *La Depeche du Midi* (2001), *Midi Libre* (2004), *Sud-Ouest* (2006), *L'Express* (2006), *La Nouvelle République du Centre-Ouest* (2006), *Sud Ouest* (2006), and *Le Nouvel Observateur* (2007). On the other hand, no online media has implemented the figure of the Ombudsman.

## Poland

The figure of the Ombudsman is not implemented in the field of communication. Public television channel TVP is developing the office of the Ombudsman to respond to consultations and complaints since April 2010, but this has not been formally implemented yet.

### 3.3. Print and audiovisual press councils

The print and audiovisual press councils are independent authorities that regulate the activity of the media in the legal framework, in order to ensure compliance with the rules and the respect for rights and freedoms. The introduction of this type of councils, for both print and broadcast press, is widespread in the countries under study, as reflected in table 4. There is a regulatory norm, except for Spain, which is the least regulated country in terms of print press and with an incipient regulatory activity in terms of audiovisual media. These types of initiatives, however, are still not implemented in the European online newspapers.

## Germany

The Print Press Council of Germany was founded by associations of journalists and publishers in 1956. This Council was funded by the two most important unions of journalists, DJV and DJU, and also by the main organizations of publishers: BDZV and VDZ.

**Table 4: Implementation of journalistic councils in Europe**

	Germany	Austria	Denmark	Spain	Estonia	France	Poland
<b>Print Press Councils</b>	Deutscher Presserat	Presserat	Pressenaevnet		ESP: Estonian Press Council ENA Press Council		Rada Etyki Mediów
<b>Audiovisual Press Councils</b>	Broadcasting Council (ARD) ZDF Television Council National Media Authority of Saarland and other National councils	KommAustria	Radio-TV - Naevnet	CAC: Consejo Audiovisual Cataluña  CoAN: Consejo Audiovisual de Navarra  Consejo Audiovisual Andalucía		Conseil Superior of l'Audiovisuel	KRRRiT: Krajowa Rada Radiofonii i Telewizji
<b>Online Press Councils</b>							

**Source:** Own creation with data from assistant researchers.

In the audiovisual media field, Germany has two Councils that regulate the public broadcast media, ARD and ZDF, in terms of content, ethical codes and advertising. There are also councils for broadcast media at the state level, which depend of the authorities of each *lander* and are responsible, among other issues, for granting operating licences. In this sense, the small State of Saarland, which his located in the east of the country, has a public website where citizens takes centre stage in the process of regulation of the audiovisual media: [www.programmbeschwerde.de](http://www.programmbeschwerde.de).

On the other hand, the German Press Council began its work of regulation on the online media in 2009, but so far the guidelines have not been established.

## Austria

The model of self-regulation of the Austrian press reached an outstanding level in 1961, with the creation of the *Presserat* (Press Council), but in 2001 this institution was disbanded. The implementation of this Council required long negotiations between employers and trade unions of the Federation of Austrian Newspapers (VÖZ) and the Union of journalists. The council was later joined by the Federation of Austrian Magazines (ÖZV) and the *Pressclub Concordia*, which is a prestigious association of journalists. During four decades, the Council implemented the code of the Austrian press, which was updated several times and became a preamble to the ethical principles of journalism. Among other things, it regulates the accuracy of investigative

journalism, the defence of privacy, the separation of news and advertising content, and the distinction between facts and opinions.

The Council is integrated by 24 delegates: ten are appointed by newspapers publishers, others by the Union of journalists, two are representatives of the publishers of magazines, and other two are representatives of the *Pressclub Concordia*. The members met several times a year to deal with complaints made by citizens, and tried to be as less bureaucratic as possible. The Council examined each case, and then debated it at meetings to which witnesses and the involved journalists were invited.

Each year the Council addressed about thirty issues, with limited possibilities of sanction. If the institution felt that it had breached the code of honour of the Austrian press, they could demand public corrections and force publishers to publish the opinion of the trial in the correspondent medium. The findings of the council were reported to the Austrian News Agency and other media. However, the Council could not demand sanctions or other direct consequences, and that is why complainants and journalists considered it to be “a tiger without teeth” (Bernthaler, 2001: 23).

The limits of the Council became evident in the case of the *Kronen-Zeitung*, the newspaper with more circulation and sales in the country. The *Kronen-Zeitung* stated that it would not follow the code of honour, nor to the judgments of the Council. This sensationalist newspaper, with a penetration of over 40% in the sector, received numerous complaints and was sentenced several times by the Council. The *Kronen-Zeitung* ignored these verdicts and these reactions provoked harsh criticism from the other media towards the Council. In 1997, following a sentence of the Council, the tabloid newspaper filed a lawsuit against all of the Council’s members and demanded a million dollar compensation. Finally, the *Kronen-Zeitung* and its editor lost the lawsuit and the justice system supported the Council as a regulatory authority in journalism.

In addition to the *Kronen-Zeitung* case, other publishers began to publicly criticise the Council, by arguing that the lack of economic resources made it impossible to develop a proper job. In 2001, the publishers ended their collaboration with the Council and it ceased activities.

At present, trade unions and press publishers are attempting to establish a reformed Council. They aim to achieve four important changes: only half of the delegates may take decisions in matters of urgency; two lawyers will chair the commissions of the Council; the complainants should promise not to take the same case submitted to the Council to the courts, and the government will support economically the Council, with an annual subsidy of 150,000 euros. In the Austrian case, Gottwald (2006, 17) points out that institutions like the Council acquire more relevance, public attention, and acceptance in the sector, when they have the support of prestigious journalists.



Unlike the print press, the audiovisual media sector is highly regulated by the state. In 2001, the Law of the Austrian Communication Council created a national body, *KomAustria*, to regulate the entry of new companies in the sector. Its objectives include ensuring the diversity of views and the promotion of the quality in radio and television programmes; promote the compliance with the protection of children, young people and consumers; and optimising the spectrum of all radio and television frequencies.

### **Denmark**

Denmark has an independent Print Press Council, regulated by law. The country also regulates the broadcasting sector, through the Audiovisual Media Council of Radio and television of Denmark, which in this case is under the control of the Ministry of Culture.

### **Spain**

In January 2010, the Congress of Deputies began to evaluate the Audiovisual Media Law, which aims to articulate and standardise the regulation of the sector, by unifying in a single body of law all regulation on radio and television, eliminating regulatory differences between the different operators depending on their areas of coverage and broadcasting technologies, adapting the regional legislation and incorporating the new technological realities. In addition, the law envisages the creation of a National Council for Broadcast Media. So far, only three autonomous communities have in operation a broadcast media council.

The Broadcast Media Council of Catalonia (CAC) is an independent authority, with legal personality, which emanated from the law 2/2000 of the Parliament of Catalonia. It is responsible for ensuring compliance with the legislation and the directives of the authorities with jurisdiction over this field, from the European to the Catalan authorities; as well as ensuring internal and external pluralism in the media, informative honesty, compliance with the mission of public service, and shareholder diversity in the private media.

According to its statutes, the purpose of the CAC is to ensure the compliance with the rules governing the advertising and programming in broadcasting media, and to ensure the compliance with the conditions of the concessions and the enforcement of European legislation. The Council also seeks to ensure political, religious, social, linguistic and cultural pluralism in the Catalan broadcasting system; to ensure the informative neutrality and honesty; and to enforce the standards related to the use, preservation and normalization of the Catalan language and culture. It also reports on the granting of broadcasting licenses and has sanctioning powers on the violations to the regulatory framework for the broadcasting sector.

The Audiovisual Media Council of Navarre (CoAN) was created on 5 July, 2001. The CoAN monitors programming and advertising content of the Navarrese audiovisual media, to ensure

they respect the constitutional principles. It also studies the application to obtain or renew licences, and informs the Government of Navarre about its decisions.

The Audiovisual Media Council of Andalusia regulates the broadcasting activity in that autonomous community, according to the functions attributed by its Law of Creation 1/2004. Its role is to ensure the respect of the rights and freedoms recognized in the Constitution and the Statute of Andalusia, and the compliance with the legislation on audiovisual content and advertising. It is composed of eleven members, elected by the Andalusian Parliament. It has an Office of Ombudsman, which receives and handles complaints and requests about programming, advertising and teleshopping.

The philosophy of these councils is to prevent litigations through the pursuit of comprehensive agreements. In the case of the CAC, its recognition is based on the fact that its decisions are practically adopted unanimously. This is therefore an incipient regulatory activity in the audiovisual media field, limited to the territorial scope of the autonomous communities.

This is not the case in the print press. In this regard, we can mention the parliamentary attempt to approve the creation of the National Council for Information, as part of the Statute of Journalism bill. The lack of self-regulation is also noticeable in the online media.

## **Estonia**

The Estonian Newspaper Association (ENA) promoted and approved the first Print Press Council (EPC) in 1991. Already in 1997, the EPC was reorganized as a non-profit association, and it generated the first code of ethics for Estonian journalists. This Council was an example of the protection of the freedom of press, and an independent, vigilant tool of compliance with journalistic ethics. According to Lauk (2008: 62), during its first six years, the EPC mediated the resolution of more than one hundred of disputes related to the violation of journalistic ethics in the print media. This independence, rigour and control provoked the reluctance of the publishers, which in 2002 dismantled the EPC, to develop a new non-dissenting Council controlled entirely by the ENA.

## **France**

Since 2009, France has been discussing the implementation of a National Print Press Council, which is still inexistent. One of its promoters is the former editor-in-chief of *Le Monde*, Yves Agnès.

The regulation of the audiovisual media sector is the responsibility of the Conseil Supérieur de l'Audiovisuel (CSA), which was created on 13 February, 1989, to accomplish the double

mission of guaranteeing and promoting the freedom of communication in the audiovisual media field. Although the regulatory body has gone through many changes and crises, its action is recognised by the vast majority of the French society. The Council consists of a board of nine members; three of them are appointed by the President of the Republic; other three by the President of the Senate and the remaining three by the President of the Assembly.

The CSA requests public and private television and radio stations to report and prove they comply with the standards of distribution of political coverage according to the requirements of pluralism and diversity (Almirón, 2010). In 2009, the CSA launched the Barometer of Diversity in Television, with the purpose of quantitatively measuring the representation of the French social diversity in public and private television.

## **Poland**

Since 1995, Poland has implemented the Council of Ethics for the Media, which was created by the Polish Media Conference, an entity formed by representatives of the media, associations of journalists and trade unions. This entity prompted the establishment of a universal code of ethics, which focuses on the monitoring and control of the media to ensure the compliance with this code. There is also a National Audiovisual Media Council which basically is responsible for overseeing the contents of the Polish public radio and television, with particular emphasis on the protection of minors.

### **3.4. Trade unions and associations of journalists, publishers and audiences**

There is a high level of organization and syndication in Europe. As shown in table 5, there are outstanding consolidated structures, as in Germany and France, with strong trade unions and associations of journalists with wide representativeness. This type of associative structures and the organizations of publishers are essential to advance in the processes of professional self-regulation.

## **Germany**

The main union of journalists is the *Deutscher Journalisten-Verband* (DJV), followed by the DJU and the DWM. In addition, there exists a trade union formed by German journalists working abroad. Associations of journalists are organised according to territoriality or thematic specialization. The most important include the *Netzwerk Recherche*, *Initiative Nachrichtenaufklärung*, *Autoren-Reporten*, *Reporten-Forum*, *Journalisten helfen Journalisten*, *Reporter ohne Grenzen*, *Sportnetzwerk* and *n-ost*. A remarkable example of an emerging association is the case of *jonet.org*, which is formed by more than 4,000 online journalists.

Other worth mentioning associations are the Publishers Association of Germany and the Association of German Newspapers Publishers, in addition to the *Iptv* and the Cable Networks Association in the audiovisual media sector.

**Table 5: Implementation of trade unions and associations**

	Germany	Austria	Denmark	Spain	Estonia	France	Poland
<b>Trade unions of journalists</b>	DJV: Dutscher Journalisten-Verband  DJU: Deutsche Journalistinnen-und Journalisten-Union in ver  Migrant Journalists  Der Berufsverband für Journalisten Deutscher Medienverband	National Union Federation of Austria: Sektion Journalisten	Dansk Journalistforbund	<i>FeSP:</i> <i>Sindicat de Periodistes Catalunya, Madrid, La Rioja, Baleares, Canarias y</i> <i>Sindicat de Xornalistas de Galicia</i> UGT  CC.OO.	Eesti Ajakirjanike Liit	CGT SNJ CFTC CFDT	Syndykat Dziennikarzy Polskich  Zwiazek Zawodowy Dziennikarzy  Zwiazek Zawodowy Pracownikow Tworczych TVP
<b>Associations of journalists</b>	Netzwerk Recherche  Initiative Nachrichtenaufk.  Autoren Reporter Reporter Forum  Reporter ohne Grenzen  Sportnetzwerk n-ost	Presseclub Concordia  Qualität im Journalismus  Kuratorium für Journalisten	Danish Sportsjournalist	FAPE  Col-legi Periodistes Catalunya  Colegio Xornalistas Galicia  Colegio Periodistas Murcia	Eesti Ajalehtede Liidu  Eesti Ringhäälingute Liit	Commision de la Carte d'Identité des Journalistes Professionnel  Press Club de France (UCPF)	Stowarzyszenie Dziennikarzy Polskich Stowarzyszenie Dziennikarzy RP Katolickie Stowarzyszenie Dziennikarzy Krajowy Club Reportazu Tworcow Obrazu Telewizyjnego
<b>Associations of Publishers</b>	Bundesdeutscher Vergeles Verband  Verband deutscher Zeitungsverleger  Iptv Association  Verband deuscher Kabelnetzbetreib	VOZ VOP	Danske Dagblades Forening	AEDE	ENA: Estonian Newspaper Association  Newspaper Association	FNPF FNPS SNPR SPG SPQN SPQR SRGP	Izba Wydawców Prasy  Krajowa Izba Producentów Audiowizualnych
<b>Associations of Users</b>	Stiftung Medienkompeten  Foundation for Media Competence  Forum Digital Fernsehen  Medienvereine		Arbejdernes Lytter- og Seeforbund  Kristelig Lytterforening	Cmedia  Asociación de Internautas		Action Critique Médias  Pieds dans le PAF	Stowarzyszenie Ochrony Radiosluchacza i Telewidza

Source: Own creation with data from assistant researchers.

A culture of defence of consumers' rights has been consolidated and this is reflected in associations like the *Stifung Medienkompetenz* and the Foundation for Media Competence, and the *Digitalfernsehen* Forum, which is an online platform of discussion on digital TV.

## Austria

The *Qualität im Journalismus* forum organizes public debates on the good practice of journalism since 2000. With more than a century and a half of existence, the journalistic club *Pressclub Concordia* has become the premier professional forum for journalists. This club requires its members to commit to the freedom of expression linked to the obligation to act in a moral way.

The *Kuratorium für Journalistenausbildung*, which was founded by businessmen and trade unions in 1970, is an institution that has created a Manual of Practical Journalism where self-regulation is discussed.

## Denmark

The main union of journalists is the *Dansk Journalistforbund*. Danish journalists are organised through regional, local and some small national associations, which also include sports journalists. The most important group of publishers is the *Danske Dagblades Forening*. In the last decade other organizations of magazines and online newspapers publishers have arisen. The organization culture among consumers is well established, as reflected by such groups as the *Arbejdernes Lytterforening Seeforbund* and the *Kristelig Lytterforening*.

## Spain

Three mechanisms underlie the organization of journalists: the (specialised and general) associations of journalists, the (sectoral and class-based) trade unions, and the *colegios profesionales* (official guilds or unions approved by regional parliaments).

Spain's sectoral trade unions of journalists are grouped in the *FeSP*, while the main class-based trade unions of the print press sectors are UGT and CC.OO. Currently the *FeSP* is integrated by the unions of journalists of Catalonia, Madrid, Andalusia, Balears, La Rioja, Canary Islands, and Galicia. The engine of the *FeSP* is the union of journalists of Catalonia (*Sindicat de Periodistes de Catalunya*), which emerged in 1993 and works in coordination with the *Col·legi de Periodistes de Catalunya*. The unionism for journalists in Spain is completed with the Association of journalists of CC.OO. (The Workers' Commissions) and the General Association of Journalists of UGT, which are class-based trade unions.

It is important to distinguish two types of associations of journalists: general and specialised, which bring together more than fifty organizations, including the Association of European Journalists and the Association of Sports Journalists. The association with the largest number of members is the *FAPE* (Federation of Associations of Spanish Journalists), which represents 19,000 journalists, is part of the International Federation of Press, and integrates 46 associations. The main concerns of the *FAPE* are job insecurity, lack of independence, the bad reputation of the profession, and intrusionism in the profession.

The third axis of the journalistic organization is the *colegios profesionales*, whose objectives are similar to the ones of the associations of journalists, but in addition are legal tools approved by regional parliaments. The head is the *Col·legi de Periodistes de Catalunya*, which operates since 1985 in coordination with the *Sindicat de Periodistes de Catalunya*. The *Colegio de Xornalistas de Galicia* was created later, and the *Colegio Profesional de Periodistas de Murcia* was created in April 2009.

## **Estonia**

The main union of journalists is the *Eesti Ajakirjanike Liit*, while the two most important associations of journalists are from the print press sector, *Eesti Ajalehtede Liidu*, and broadcasting media, *Eesti Ringhäälingute Liit*. Estonian publishers are organised in two groups, the ENA and the Association of Newspaper Publishers. The ENA is the most important and oldest publishers association in Estonia, and it emerged with the arrival of democracy, after the fall of communism.

## **France**

This country has consolidated an effective system based on four major unions of journalists: CGT, SNJ, CFTC and the CFCT. There are many specialised associations (economy, parliament, environment, etc.) and other groups such as the *Commission de la Carte d'Identité des Journalistes Professionnels*, the *Association Presse-Liberté*, the *Action Critique Médias* and the *Press Club France*. France has sectoral organizations of publishers (regional publications, free newspapers, and magazines). In this sense, an important role is played by the *Fédération Nationale de la Presse Française (FNPF)*. The associations of users include *Action Critique Médias* (aka, *Acrimed*) and, in the field of TV journalism, the *Pieds dans le paysage audiovisuel français*.

## **Poland**

The most important union of journalists is the *Syndykat Dziennikarzy Polskich*. Other important organizations within the Polish trade union tradition are the *Związek Zawodowy Dziennikarzy*

and the *Związek Zawodowy Pracowników Radia i Telewizji*, which brings together workers from radio and television, and the Union for public service television journalists.

Poland is characterized by a high level of organization. Most journalists are grouped in the Association of Polish Journalists (*SDP*) and the Association of Journalists of the Republic of Poland (*SDRP*). In addition, the Catholic Association of Journalists (*KSD*) is also well established throughout the country. Other remarkable groups are the National Club of Journalism and the Association of Creators of TV images. The associations of publishers include the Chamber of Newspapers Publishers, which was created in 1996, and the National Chamber of Audiovisual Media Producers.

In the field of media consumers, the Association for the Protection of the Audience has grown significantly in recent years.

#### **4. Conclusions and discussion**

The initial hypothesis of this research indicated that while self-regulation among journalists is not always advancing at the pace actually demanded by the profession, it is the preferred option when it comes to standardise and strengthen the profession in the European Union.

Based on the theoretical framework and the methodology developed for this study, we analysed seven different European realities with disparate traditions about regulation, self-regulation and deregulation of the journalistic profession; even the hyper-regulation of the profession, according to recent studies on the French case (Almirón, 2010: 485). In this sense, Nuria Almirón shows the viciousness and impracticality of the French model, which has an excessive regulation. For its part, this work has excluded the study of hyper-regulation (an exaggerated legal framework) and deregulation (the total absence of regulation) to show that, although with an excess of hesitation, self-regulation has been consolidated as the option for professional development most demanded by European journalists.

From the study of these disparate realities we can establish the following conclusions:

- a) The use of self-regulation tools, such as codes for the print and audiovisual press, is not a widespread practice today. The German tradition, which advocates for the absence of regulation, reinforces the absence of such codes, just like Austria, Estonia and Poland. On the other hand, the French tradition of regulation has consolidated this kind of tools over the years, as it has also happened in Spain and Denmark. Finally, the widespread absence of ethical codes in the online press is clear.

- b) The results also revealed the deficiencies regarding the other self-regulation tools, such as the Ombudsmen. In some cases there are well-established figures in some media and countries, but this is a fixed map very similar to the codes' map. On the contrary, the development of print and audiovisual press councils is common in 85% of the countries under study, although there are deficiencies in Spain. The implementation of mechanisms of journalistic self-regulation, like councils and Ombudsmen, is practically non-existent in the European online press.
- c) The responsibility of the media, as Campbell (1999) and Karmasin (2005) argue, is a concept that involves not only the national institutions and the institutions linked to the political system, but also involves the maturity of a civil society in all its dimensions. However, the mechanisms of self-regulation are valid only when the commitments are made public, so that the journalistic practice is worthy of the trust and prosecution of citizens. The study indicates that most of the countries under study are still far from adopting complex models of self-regulation.
- d) Many European journalists are sceptical towards the adoption of codes and doubt their effectiveness. They argue that the codes formulate too general rules, often stress the obvious, and offer little clarification in the decision-making process. They believe that ethics are too complex and too personal to be regulated. In this regard, the journalistic cultures in the eastern countries (Poland and Estonia) reveal the obvious distrust of journalists towards self-regulation.
- e) This work verified the high degree of organization in the European journalism, with consolidated unions and, particularly, important associations of journalists in each and every one of the countries studied. On the other hand, the degree of implementation of associations of users and viewers is very low, except in the case Germany.
- f) The results also highlight the implementation of a diversity of good self-regulation practices and some innovative proposals. Cases such as the *Conseil Supérieur de l'Audiovisuel* and the Ombudsmen in many French newspapers, the effectiveness of the Austrian Pressrat, and the application of the deontological codes implemented in various Danish media are promising lines of action, which could be implemented in a supranational framework.

In short, it is important to examine the need of advancing in the creation of documents and mechanisms that integrate the criteria, norms and values that are indispensable for the good practice of journalism at the European level, especially at this time of crisis of values in journalism. In this sense, as a future line of action it is important to continue exploring other



realities in the European environment, and to further examine the evolution of the situation presented in this article. This is because, while we are witnessing significant transformations in the models of organization and financing of the media and journalistic profiles, we should also expect changes and adjustments that will allow the effective self-regulation of the journalistic profession in the 21<sup>st</sup> century.

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